

VIRGINIA:

BEFORE THE BOARD OF OPTOMETRY

IN RE: LOUIS A. ESPEJO, O.D.
License No.: 0601-001857
Complaint No.: 94-01149

AMENDED CONSENT ORDER

Pursuant to §§ 9-6.14:11 and 54.1-2400(8) of the Code of Virginia, an Informal Conference Committee ("Committee") of the Virginia Board of Optometry ("Board"), composed of Charles W. Harrill, O.D., and Gordon W. Jennings, O.D., met with Louis A. Espejo, O.D., on October 24, 1995 in Henrico County, Virginia. Dr. Espejo appeared in person and was represented by Peter M. Mellette, Esquire. The purpose of the Informal Conference was to receive and act upon evidence concerning the allegations in the Notice of Informal Conference dated October 2, 1995.

FINDINGS OF FACT

After consideration of the evidence and statements concerning the allegations, the Committee makes the following Findings of Fact:

1. Louis A. Espejo, O.D., holds license number 0601-001857 issued by the Virginia Board of Optometry.
2. On or about September 1, 1993, Dr. Espejo, entered into a Real Property and Equipment Lease with Pearle Vision, Inc. ("Pearle") for space for an optometry practice. Dr. Espejo paid rent directly to Pearle, a mercantile establishment. There is no evidence that Pearle controlled Dr. Espejo's practice in any material respect.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact #2 constitutes a violation of § 54.1-3205 of the Code of Virginia (1950), as amended.

CONSENT

Louis A. Espejo, O.D., by affixing his signature hereon, agrees to the following:

1. He has been advised specifically to seek the advice of counsel prior to signing this document;
2. He is fully aware that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 9-6.14:1 et seq of the Code of Virginia;
3. He has the following rights, among others:
 - a. the right to a formal fact-finding hearing before the Board;
 - b. the right to representation by counsel; and
 - c. the right to cross-examine witnesses against him.
4. He waives all rights to a formal hearing;
5. He admits the truth of the above Findings of Fact; and
6. He consents to the following Order affecting his license to practice optometry in the Commonwealth of Virginia.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact, Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that Louis A. Espejo, O.D., be, and hereby is REPRIMANDED. It is further ORDERED that Dr. Espejo shall be assessed a monetary penalty of ONE THOUSAND DOLLARS (\$1,000.00) for practicing in a mercantile establishment. Said penalty shall be paid to the Board by certified check or money order within thirty (30) days from the date of entry of this Consent Order. If said monetary penalty is not received within the prescribed

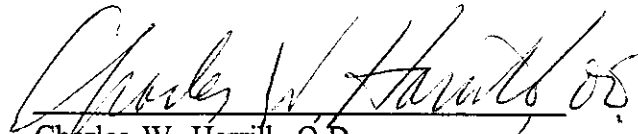
L. Espejo, O.D.

deadline, an additional ONE HUNDRED DOLLAR (\$100.00) late fee shall be assessed weekly, up to a maximum of ONE THOUSAND DOLLARS (\$1000.00). Failure to pay the full monetary penalty plus the additional assessment within one hundred (100) days of the date of entry of this Consent Order shall constitute grounds for an administrative proceeding.

Louis A. Espejo, O.D., shall maintain a course of conduct commensurate with the requirements of Chapter 32, Title 54.1 of the Code of Virginia (1950), as amended, and the Board of Optometry Regulations. Any violation of these terms and conditions or of any law or regulation affecting the practice of optometry in the Commonwealth of Virginia, shall constitute grounds for the suspension or revocation of Dr. Espejo's license and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

Pursuant to § 9-6.14:14 of the Code of Virginia, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public release, inspection and copying upon request.

FOR THE BOARD:


Charles W. Harrill, O.D.
President

ENTERED: 5/2/96

L. Espejo, O.D.

SEEN AND AGREED TO:

Louis A. Espejo O.D.
Louis A. Espejo, O.D.

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Rockville

Subscribed and sworn to before me, a Notary Public in and for the city/county of Montgomery, this 2nd day of April, 1996, by Louis A. Espejo, O.D.

Patricia E. Goz
Notary Public

RECEIVED: May 6, 1996

My Commission Expires: 11/10/99

BY: John W. Hasty
John W. Hasty, Director
Department of Health Professions

Certificate of Service

I hereby certify that a true copy of the foregoing Consent Order was mailed to Louis A. Espejo, O.D., at 7302 Dartford Drive #2, McLean, Virginia 22102, and Peter M. Mellette, Esquire, Crews & Hancock, P. O. Box 1474, Richmond, Virginia, 23212-1474 on the 14th day of May, 1996.

Elizabeth A. Carter, Ph.D.
Elizabeth A. Carter, Ph.D.
Executive Director
Board of Optometry